

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRIMINAL ACTION NO. 2:01-cr-60-1

JEFFREY BRYANT,

Defendant.

MEMORANDUM OPINION AND JUDGMENT ORDER

Pursuant to 18 U.S.C. § 3582(c)(2), the court is *sua sponte* considering whether the defendant should receive to a reduction in his sentence based on an amendment to the United States Sentencing Guidelines. On November 1, 2007, the United States Sentencing Guidelines were amended to reduce by two levels the guidelines in Section 2D1.1 for cocaine base (also known as crack). Subsequently, the Sentencing Commission amended Section 1B1.10 to make the crack amendment retroactive, effective March 3, 2008. Pursuant to a Standing Order entered on February 6, 2008, this case was designated for Standard consideration.

The Court has received and considered the original Presentence Investigation Report (PSI), original Judgment and Commitment Order and Statement of Reasons, plea agreement, and addendum to the PSI from the Probation Office, and received any materials submitted by the parties on this issue. The Court has also considered the applicable factors under 18 U.S.C. § 3553(a), consistent with § 3582(c)(2), and public safety.

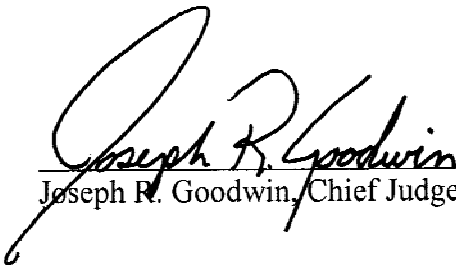
The original Presentence Investigation Report attributed to the defendant 283.5 grams of cocaine base. His offense conduct resulted in a base offense level of 34 and a criminal history

category of III. The base offense level was decreased by three levels for acceptance of responsibility, resulting in a total offense level of 31. The defendant's original guideline range was 135 to 168 months.

The United States does not object to a two-level sentence reduction for this defendant, and, based on the foregoing considerations, the Court **ORDERS** that the defendant's base offense level be reduced by two levels. This results in a new total offense level of 29 and a guideline range of 108 to 135 months. Because the defendant is subject to a statutory minimum term of imprisonment of 120 months, the defendant's final guideline range is 120 to 135 months. The Court **ORDERS** that the defendant's previous sentence be reduced to a period of **120** months, with credit for time served to date pursuant to U.S.S.G. 1B1.10(b)(2)(C).

The Court **DIRECTS** the Clerk to send a copy of this Order to the defendant and counsel, the United States Attorney, the United States Probation Office, the Federal Bureau of Prisons and the United States Marshals.

ENTER: March 25, 2008


Joseph R. Goodwin, Chief Judge